

02-02-05

PTO/SB/30 (10/01)

Approved for use through 10/31/2002, OMB 0651-0031

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RCE
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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provided for continued examination of a utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

<i>Application Number</i>	09/370,373
<i>Filing Date</i>	August 10, 1999
<i>First Named Inventor</i>	Hacker et al.
<i>Group Art Unit</i>	1616
<i>Examiner Name</i>	S. Mark Clardy
<i>Attorney Docket Number</i>	514413-3766

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1.	Submission required under CFR 1.114.																		
a.	<ul style="list-style-type: none"> <input type="checkbox"/> Previously submitted <ul style="list-style-type: none"> i. <input type="checkbox"/> Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on (Any unentered amendment(s) referred to above will be entered) ii. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on iii. <input type="checkbox"/> Other b. <input checked="" type="checkbox"/> Enclosed <ul style="list-style-type: none"> i. <input checked="" type="checkbox"/> Preliminary Amendment ii. <input type="checkbox"/> Affidavit(s)/Declaration(s) iii. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS) iv. <input type="checkbox"/> Other 																		
2.	Miscellaneous																		
a.	<input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of ___ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)																		
b.	<input type="checkbox"/> Other																		
3.	<p>Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.</p> <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees, or credit any overpayments, to Deposit Account No. 50-0320. b. <input checked="" type="checkbox"/> Check in the amount of \$770.00 is enclosed for the following: <table border="1"> <tr> <td>i. <input checked="" type="checkbox"/> RCE fee required under 37 CFR 1.17(e)</td> <td>02/03/2005</td> <td>HDEMESS1</td> <td>00000068</td> <td>500320</td> <td>09370373</td> </tr> <tr> <td>ii. <input type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17)</td> <td>01 FC:1801</td> <td>20.00</td> <td>DA</td> <td>770.00</td> <td>DP</td> </tr> <tr> <td>iii. <input type="checkbox"/> Other</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table> c. <input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed) 	i. <input checked="" type="checkbox"/> RCE fee required under 37 CFR 1.17(e)	02/03/2005	HDEMESS1	00000068	500320	09370373	ii. <input type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17)	01 FC:1801	20.00	DA	770.00	DP	iii. <input type="checkbox"/> Other					
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iii. <input type="checkbox"/> Other																			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Howard C. Lee	Registration No. (Attorney/Agent)	48,104
Signature	<i>Howard C. Lee</i>	Date	January 31, 2005

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: **Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Name (Print/Type)	Charles B. Jackson	Mailing Label Number:	EV 375021033 US
Signature	<i>Charles B. Jackson</i>	Date	January 31, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Hacker et al.
U.S. Serial No. : 09/370,373
Filing Date : August 10, 1999
For : HERBICIDAL COMPOSITIONS FOR TOLERANT OR
RESISTANT MAIZE CROPS
Group Art Unit : 1616
Examiner : S. Mark Clardy
Confirmation No. : 8023

745 Fifth Avenue
New York, New York 10151

EXPRESS MAIL

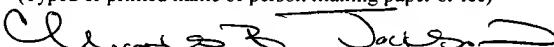
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Date of Deposit: January 31, 2005

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P.O. Box 1450, Alexandria, VA 22313-1450.

Charles B. Jackson

(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

**PRELIMINARY AMENDMENT WITH A REQUEST FOR CONTINUED
EXAMINATION UNDER 37 C.F.R. §1.114**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In lieu of payment of the Issue Fee for the Notice of Allowance mailed on November 2, 2004, the Applicants respectfully submit a Request for Continued Examination (RCE) and this Preliminary Amendment. A check in the amount of \$770.00 in payment for the filing of the

RCE has been included with this paper. No other fees are believed to be occasioned by this paper, however any additional fees or any overpayment in fees, may be charged or credited to Deposit Account No, 50-0320.